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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,499	04/09/2004	James D. Webb	P-11232.00	1416
27581	7590	10/03/2007		
MEDTRONIC, INC. 710 MEDTRONIC PARKWAY NE MINNEAPOLIS, MN 55432-9924			EXAMINER TOMASZEWSKI, MICHAEL	
			ART UNIT	PAPER NUMBER
			3626	
			MAIL DATE	DELIVERY MODE
			10/03/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/821,499

Applicant(s)

WEBB ET AL.

Examiner

Mike Tomaszewski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 2/11/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Notice To Applicant***

1. This communication is in response to the application filed on 4/9/04. Claims 1-20 are pending. The IDS statement filed 2/11/05 has been entered and considered.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Nelson et al. (6,480,745; hereinafter Nelson).

(A) As per claim 1, Nelson discloses a system for exchanging medical data, the data exchange system comprising:

- (1) means for acquiring medical data;

- (2) means for handling medical data wherein medical data may be stored, analyzed, or displayed;
- (3) one or more web services for performing a data exchange function between the means for acquiring medical data and the means for handling medical data.

(B) As per claim 2, Nelson discloses the system of claim 1, wherein one of the one or more web services is a translation web service (Nelson: abstract, Fig. 1-4).

(C) As per claim 3, Nelson discloses the system of claim 2 wherein the translation web service includes an input method for receiving medical data in a first format and an output method for returning medical data to an invoking application in a second format (Nelson: abstract, Fig. 1-4).

(D) As per claim 4, Nelson discloses the system of claim 1 wherein one of the one or more web services is an analysis web service (Nelson: abstract, Fig. 1-4).

(E) As per claim 5, Nelson discloses the system of claim 4 wherein the analysis web service includes an analysis method for performing a requested data analysis function on the specified data and returning the analysis results to an invoking application (Nelson: abstract, Fig. 1-4).

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(F) As per claim 6, Nelson discloses the system of claim 1 wherein one of the one or more web services is a storage web service (Nelson: abstract, Fig. 1-4).

(G) As per claim 7, Nelson discloses the system of claim 6 wherein the storage web service includes a method for writing data to a data storage system (Nelson: abstract, Fig. 1-4).

(H) As per claim 8, Nelson discloses the system of claim 6 wherein the storage web service includes a method for retrieving data from a data storage system (Nelson: abstract, Fig. 1-4).

(I) As per claim 9, Nelson discloses the system of claims 7 or 8, wherein the data storage system is any of a relational database system; a file system; an XML file system, or a medical device (Nelson: abstract, Fig. 1-4).

(J) As per claim 10, Nelson discloses the system of claim 1 wherein one of the one or more web services is a multifunction web service (Nelson: abstract, Fig. 1-4).

(K) As per claim 11, Nelson discloses the system of claim 10 wherein the multifunction web service invokes any of a translation web service, an analysis web service, and a storage web service (Nelson: abstract, Fig. 1-4).

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(L) As per claim 12, Nelson discloses the system of claim 11 wherein the multifunction web service is a data log service for informing a first data storage system of a new data set entered into a second data storage system (Nelson: abstract, Fig. 1-4).

(M) As per claim 13, Nelson discloses the system of claim 12 wherein a new data set comprises a record of a monitoring session performed by a medical device (Nelson: abstract, Fig. 1-4).

(N) As per claim 14, Nelson discloses the system of claim 11 wherein the multifunction web service is a session retrieval service for retrieving monitoring session data recorded by a medical device and stored in a data storage system (Nelson: abstract, Fig. 1-4).

(O) As per claim 15, Nelson discloses the system of claim 11 wherein the multifunction web service is an enrollment web service for registering a patient or medical device record newly enrolled in a first data storage system into a second data storage system (Nelson: abstract, Fig. 1-4).

(P) As per claim 16, Nelson discloses the system of claim 1 wherein the means for acquiring medical data is an external medical device having telemetric communication

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with an implantable medical device for receiving data from the implantable medical device and storing the data (Nelson: abstract, Fig. 1-4).

(Q) As per claim 17, Nelson discloses the system of claim 1 wherein the means for acquiring medical data is an external monitoring or therapy delivery device capable of acquiring and storing medical data (Nelson: abstract, Fig. 1-4).

(R) As per claim 18, Nelson discloses the system of claim 1 wherein the means for acquiring medical data is an implantable medical device (Nelson: abstract, Fig. 1-4).

(S) As per claim 19, Nelson discloses a system for exchanging medical data, the data exchange system comprising:

- (1) a first means for handling medical data wherein medical data may be stored, analyzed or displayed and wherein first medical data handling means is provided with a communication connection;
- (2) a second means for handling medical data wherein medical data may be stored, analyzed, or displayed and wherein second medical data handling means is provided with a communication connection;
- (3) one or more web services for performing a data exchange function between the first and second data handling means via a communication connection (Nelson: abstract, Fig. 1-4).

(T) As per claim 20, Nelson discloses A system for exchanging data between a medical device and a remote data handling system, the data exchange system comprising:

- (1) a medical device capable of storing medical data and transferring the data via a communication connection;
- (2) means for electronically storing data in a remote data handling system and for receiving data from the medical device via the communication connection;
- (3) one or more web services for performing a data exchange function wherein the web service may be invoked by an application running on the medical device or on the remote data handling system to allow data to be exchanged between the medical device and the remote data handling system (Nelson: abstract, Fig. 1-4).

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Tomaszewski whose telephone number is (571)272-8117. The examiner can normally be reached on M-F 7:00 am - 3:30 pm.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571)272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MT



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